

Application No. 10/673,068
Reply Dated: November 7, 2005
In response to Final Office Action dated: September 9, 2005

REMARKS

In response to the Office Action dated September 9, 2005, Applicant respectfully requests reconsideration based on the above claim amendments and the following remarks. Applicant respectfully submits that the claims as presented are in condition for allowance.

Claims 1-15 and 19-33 are pending in the present Application. Claims 1, 5 and 19 have been amended and Claims 4, 13-15, 20, 22, 23, 27, 28 and 31-33 have been canceled, leaving Claims 1-3, 5-12, 19, 21, 24-26, 29 and 30 for consideration upon entry of the present amendment and following remarks.

No new matter has been introduced by these amendments. Reconsideration and allowance of the claims are respectfully requested in view of the above amendments and the following remarks.

Claim Rejections – 35 U.S.C. §112

Claim 2 is rejected under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Particularly, it is confusing and unclear if “spacing part” in Claim 2 and “a spacing part” in Claim 1 are the same element.

Applicant respectfully submits that Claim 2 recites “the spacing part” after the 24 June 2005 Amendment. Therefore, Claim 2 particularly points out and distinctly claims the subject matter which applicant regards as the invention as required by 35 U.S.C. 112, second paragraph. Reconsideration and withdrawal of the relevant rejection is respectfully requested.

Claim Rejections Under 35 U.S.C. §102

Claims 1-4, 6-10, 13-15, 19, 21, 23-26 and 31-33 stand rejected under 35 U.S.C. §102(b) as being Iwamoto et al., U.S. Patent No. 5,046,826 (hereinafter “Iwamoto”). Applicant respectfully traverses the rejection.

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Claims 4, 13-15, 23 and 31-33 have been hereinabove canceled without prejudice. Rejections under 35 U.S.C. §102 for these claims are therefore rendered moot.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Claims 1 and 19 have been hereinabove amended to include the limitations of Claims 27 and 20, respectively. Claims 27 and 20 are indicated as including allowable subject matter. Applicant respectfully submits that amended Claims 1 and 19 are therefore not anticipated by Iwamoto. Claims 2, 3, 6-10, 21 and 24-26 variously depend from Claims 1 and 19 and are thus correspondingly not anticipated by Iwamoto. Reconsideration of Claims 1-3, 6-10, 19, 21 and 24-26 is respectfully requested.

Claim Rejections Under 35 U.S.C. §103

Regarding Claims 1, 2, 6, 7, 10, 13-15, 19, 21, 24, 25 and 32

Claims 1, 2, 6, 7, 10, 13-15, 19, 21, 24, 25 and 32 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hashimoto et al., U.S. Patent No. 5,956,107 (hereinafter "Hashimoto"). Applicant respectfully traverses the rejection.

Claims 13-15 and 32 have been hereinabove canceled without prejudice. Rejections under 35 U.S.C. §103 for these claims are therefore rendered moot.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art; and that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970).

As discussed above, amended Claims 1 and 19 have been hereinabove amended to include the limitations of Claims 27 and 20, respectively. Claims 27 and 20

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are indicated as including allowable subject matter. Applicant respectfully submits that amended Claims 1 and 19 are therefore not obvious over Hashimoto. Claims 1 and 19 are not further rejected or objected and are therefore allowable. Claims 2, 6, 7, 10, 21, 24 and 25 variously depend from allowable Claims 1 and 19 and are thus correspondingly allowable. Reconsideration and allowance of Claims 1, 2, 6, 7, 10, 19, 21, 24 and 25 is respectfully requested.

Regarding Claims 5, 11, 12, 29 and 30

Claim 5 is rejected under 35 U.S.C. §103(a) as being unpatentable over Iwamoto. Claims 11, 12, 29 and 30 are rejected under 35 U.S.C. §103(a) as being unpatentable over Hashimoto and/or Iwamoto, in view of Applicant's admitted prior art (hereinafter "APA"), figure 1. Applicant respectfully traverses the rejection.

Dependent claims inherit all of the limitations of the parent claims. Claims 5, 11, 12, 29 and 30 variously depend from Claim 1. As discussed above, amended Claim 1 is allowable. Therefore, Claims 5, 11, 12, 29 and 30 are correspondingly allowable as depending upon Claim 1.

Allowable Subject Matter

Claims 20, 22, 27 and 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant thanks the Examiner for indicating allowable subject matter.

As discussed above, the limitations of Claims 27 and 20 are included in amended independent Claims 1 and 19, respectively. Claims 27 and 20 are accordingly canceled. Claims 20 and 28 are hereinabove canceled.

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Conclusion

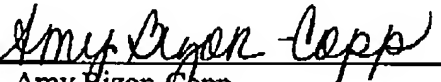
In view of the foregoing, it is respectfully submitted that the instant application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is cordially requested to telephone the undersigned.

In the event the Commissioner of Patents and Trademarks deems additional fees to be due in connection with this application, Applicant's attorney hereby authorizes that such fee be charged to Deposit Account No. 06-1130.

Respectfully submitted,

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